

EXHIBIT 27

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From: Sklar, Steven
Sent: Wednesday, October 28, 2020 2:27 PM
To: 'James Mandilk'
Cc: Airan, David; Fenix-Litigation; Kopinski, Nicole; Snow, Max; Simpson, Amy (Perkins Coie); Chajon, Michael (Perkins Coie); Umberger, Michelle M. (Perkins Coie); Fowler, Sarah (Perkins Coie); Wikberg, Terrence (Perkins Coie); Patariu, Kevin (Perkins Coie); Bina, Gabrielle E. (Perkins Coie); 'Moffa, Matthew (Perkins Coie)'
Subject: RE: Carnegie Institution of Washington and M7D Corporation v. Fenix Diamonds LLC, 1:20-cv-00200-JSR

Mr. Mandilk,

We write on behalf of Fenix. Please note that the declaration Plaintiffs submitted contains highly confidential medical information regarding [REDACTED]. We ask that the Court maintain that declaration in confidence.

Any suggestion in Plaintiffs' email that Fenix intentionally delayed the Hague Convention proceedings is categorically false. The application filed by Mr. Apruva Vakil supported a more complete deposition of [REDACTED], which is yet-to-be scheduled.

Finally, and to be clear, Fenix does not consent to the transcript of [REDACTED] being "received into evidence by this Court" as requested by Plaintiffs. Fenix reserves its right to object as appropriate.

Steve Sklar

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From: Moffa, Matthew (Perkins Coie) <MMoffa@perkinscoie.com>
Sent: Wednesday, October 28, 2020 1:05 PM
To: 'James Mandilk' <James_Mandilk@nysd.uscourts.gov>
Cc: Airan, David <dairan@leydig.com>; Sklar, Steven <:ssklar@leydig.com>; Fenix-Litigation <Fenix-Litigation@leydig.com>; Kopinski, Nicole <nkopinski@leydig.com>; Snow, Max <MSnow@leydig.com>; Simpson, Amy (Perkins Coie) <ASimpson@perkinscoie.com>; Chajon, Michael (Perkins Coie) <MChajon@perkinscoie.com>; Umberger, Michelle M. (Perkins Coie) <MUmberger@perkinscoie.com>; Fowler, Sarah (Perkins Coie) <SFowler@perkinscoie.com>; Wikberg, Terrence (Perkins Coie) <TWikberg@perkinscoie.com>; Patariu, Kevin (Perkins Coie) <KPatariu@perkinscoie.com>; Bina, Gabrielle E. (Perkins Coie) <GBina@perkinscoie.com>
Subject: Carnegie Institution of Washington and M7D Corporation v. Fenix Diamonds LLC, 1:20-cv-00200-JSR

Dear Mr. Mandilk,

As the Court knows, Plaintiffs in the captioned matter have been diligently seeking information through the Hague Convention from Nouveau Diamonds, the manufacturer for Defendant Fenix Diamonds. The deposition of Mr. [REDACTED] of Nouveau Diamonds was scheduled to take place before the High Court of Gujara on October 15. However, this deposition has been twice delayed, first due to an intervening application filed by Mr. Apruva Vakil, Advocate for

Fenix Diamonds LLC, and thereafter due to the illness of [REDACTED] submitted the attached Declaration in support of the application to delay his deposition. [REDACTED]
[REDACTED]

Plaintiffs wish to respectfully request that [REDACTED] deposition transcript be received into evidence by this Court at the conclusion of the High Court of Gujara proceedings, which due to applications brought by others than Plaintiffs will occur after the October 30, 2020 close of fact discovery (but, we anticipate, before the Court's pretrial conference).

Plaintiffs have consulted with Counsel for Fenix for their position on this application. To Plaintiffs' knowledge based on the parties' communication regarding this application, Fenix does not object to Plaintiffs relying on deposition testimony of [REDACTED] that is taken after October 30th on the ground of timeliness, assuming that the deposition takes place as soon as possible after [REDACTED] is able to provide testimony. Fenix has reserved their right to object to this testimony on other grounds.

We are generally available through the remainder of the week should the Court wish to hear this application by phone.

Respectfully submitted,

Matthew Moffa

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